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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/088,337

07/01/2002

Tatsuya Inokuchi

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7590

08/04/2006

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EXAMINER

KIM, JUNG W

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/088,337

Applicant(s)

INOKUCHI ET AL.

Examiner

Jung Kim

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

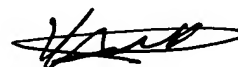
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-75.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


KAMBIZ ZAND
PRIMARY EXAMINER

Continuation Sheet

Continuation of 3. The amendment to claim 1 introduces language that adds new matter and new issues to the claim. In particular, the limitation "enabling the data recorder and player to record and reproduce the main data to and from the recording medium," suggests a step of enablement that both records and reproduces main data from the recording medium, and also a step of enablement that both records and reproduces main data to the recording medium. This feature is not disclosed by the Specification.

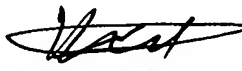
Continuation of 5. Applicant's reply has overcome the following rejection(s): double patenting rejection of claims 1, 3-5, 9, 10, 11, 13-25, 30-33, 37-39, 55, 63-65 and 73-75.

Continuation of 11. Applicant's arguments with respect to the double patenting rejection of claims 1, 3-5, 9, 10, 11, 13-25, 30-33, 37-39, 55, 63-65 and 73-75 have been considered and are persuasive. Hence, the double patenting rejection is withdrawn. However, the claims still remain rejected in view of the prior art of record.

Applicant's arguments that the prior art of record does not teach "enabling the data recorder and player to record the main data to and reproduce the main data from the recording medium a first number of times when the recording medium user identification data are coincident with the recorder and player user identification data, and enabling the data recorder and player to record and reproduce the main data to and from the recording medium a second number of times which is greater than the first

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number of times when the recording medium user identification data are coincident with the recorder and player user identification data and when the user identification data server is connected to the data recorder and player" (Remarks, pgs. 22-23) is not persuasive. On the contrary, the language of applicant's claims defines an invention that is suggested by Mott. In particular, the two limitations in question, "a first number of times" and "a second number of times which is greater than the first number of times" are broad enough to incorporate a range that includes values 0 and larger for the limitation "a first number of times", and a range that includes values 1 and larger for the limitation "a second number of times". Hence, the limitation "a first number of times" includes a 0 value, which suggests a nonenabling step when the user identification data server is not connected to the data server. Mott directly reads on the language of this limitation of the claim by requiring verification of the player id and group id values via a Library server having a player id and a group id tables. Moreover, each time the data server authenticates the player id and/or a group id, the data can be recorded/played. (col. 12:18-14:23) For these reasons, the claims remain rejected under the prior art of record.



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